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Arbitration Schedule Set

of Negotiator

The schedule of the contract dispute has now been set. It reflects the frustrations for state employees into the bargaining process. Fourteen dates have been established with the first on March 5 and the last on May 9. The neutral arbitrator had offered February 27 as a starting date and several additional days in early March, but the State's representative on the arbitration panel was unavailable on those dates. It appears that it will be very close to a year from the expiration of the old contracts before the arbitration process is completed.

The situation requires a great deal of forbearance on the part of state employees. Under the alternatives offered by the law, the only other avenue open to state employees is the acceptance of unsatisfactory wages and benefits and the surrender of established protections and working conditions. The Administration is taking full advantage of the delays built into the process, presumably hoping it can pressure the employees into the acceptance of unsatisfactory terms. We can count on the Administration to continue in that particular course.

The arbitration panel is comprised of Arnold Zack, the neutral; Joseph Mackey, the MSEA representative; and Linda McGill, the State representative. All three are lawyers. Zack is a full-time professional arbitrator from Boston. He has been an arbitrator since 1958. He is a member of the National Academy of Arbitrators and the American Arbitration Association. He has had extensive experience in both the public and the private sectors. He has been the factfinder in two recent factfindings between the New Hampshire State Employees Association and the State of New Hampshire. Mackey is, of course, the former Assistant Executive Director of MSEA. McGill is the former Chief Counsel of the Governor's Office of Employee Relations. Mackey and McGill are both now practicing law in Portland.

There are important issues involved in the arbitration, including wages and insurance benefits, overtime, shift differentials, non-standard workweek, benefits for employees on workers' compensation, retirement, promotions, caseloads and others. In some of these areas, the State is seeking to make changes which are very significant and adverse to the employees. Those issues as much as anything caused the break down in negotiations.

The neutral arbitrator has expressed his intent that

the hearings should be expeditious and has promised a prompt report after the close of the arbitration hearings. State employees have evidenced a great deal of patience in the past and in the current negotiations.

Presumably you will continue to be patient. Let us hope that your patience will not be misread as a lack of concern. That would assuredly be a misinterpretation.



Betsy Sweet of the Maine Women's Lobby speaks at January 12 press conference. Among labor groups represented — the Coalition of Labor Union Women (CLUW), and the Maine State Nurses Association.

Coalition of Maine Women's Groups Supports MSEA Pay Rates Bill

On January 12, fifteen organizations representing a broad spectrum of Maine Women's groups held a statehouse press conference in Augusta to announce a five-point legislative program aimed at the 1984 legislative session.

One of the specific legislative proposals backed by the coalition is MSEA's bill to make state worker pay rates negotiable (the "Reclass" bill).

Spokesperson for the coalition, Betsy Sweet of the Maine Women's Lobby, told those attending the press conference — including a handful of Maine legislators — that "the most serious obstacles to equality are broad economic issues that affect all Maine citizens." Sweet said the coalition spoke for "close to 400,000" Maine people.

"Maine is in the forefront of the comparable worth issue," Sweet said, referring to the MSEA-negotiated study of jobs in Maine state government. "The pay rate bill will allow MSEA to bargain over the results of that study."

The five general goals sought by the coalition — which translate into nine specific bills now in front of the legislature — including upgrading women's wages; creating more job opportunities; "aggressively enforcing" job discrimination laws; raising benefit levels for women in entitlement programs; and providing more money for rape crisis centers. Total cost of the legislative package would be \$4½ million, Sweet said.

She cited statistics showing the decline in women's economic status over the last ten years, noting that women suffer higher unemployment rates than men.

"In 1983 alone, 150,000 women in the country entered poverty who had never before been poor," Sweet said.

In addition to MSEA's bill, the coalition is backing legislation to increase the minimum wage, create a state-funded jobs program, and increase the AFDC standard of need.

Sweet said she believed there was "a lot of support" among legislators for many of the bills sponsored by the coalition.

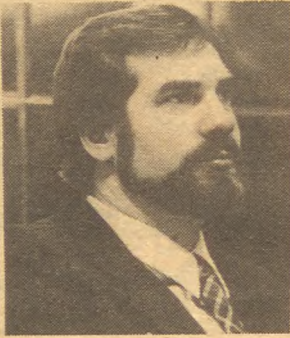
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President's Column



Why Should We Participate?

By Gerry Stanton

Not too many years ago MSEA performed its business through four Council meetings. Members attending those meetings got to know each other and observe the development of leaders. Information about members striving for statewide office was known by the bulk of the general membership.

Then a change in the bylaws allowed for just one Convention a year. Brothers and sisters of MSEA began to lose contact with those running for office. Unless they met the President or Vice-President at a chapter function, those two officers were pictures in a paper or signatures on letters.

Somewhat in recognition of this, Convention delegates approved an additional one-day council meeting to be held six months after the Annual Convention. Interaction between members from around the State will increase; this interaction should provide information and necessary contact between active members of our union. Through this contact, more information should be available to members on those elected to statewide office.

That doesn't take care of this moment in time, as many of you don't know me, and I feel that it is important for members to know other members elected to hold statewide office. In this column, I will be making myself known to you. I will also be talking about issues I feel are important to each of us.

As members of the labor movement, it is important to recognize that two issues equally affect our lives, our families, and our futures. There are our employment for the State and our belonging to MSEA. Considering the impact these have should we give either less than we deserve or better yet less than we can collectively give.

Whether it's a union, civic organization or fraternal organization, we generally allow a few to do the work that affects us all. It is not an uncommon position to take. Hopefully, as you find what made Gerry Stanton become active you may also find reasons for your active participation in MSEA.

I have been involved with labor organizations since 1968. I was employed as a Truck Mechanic in Connecticut. I had believed the stories of "Pots of Gold" outside Maine and moved my family away from my home state, after having worked for Mack Trucks of Portland for two years. Now earning \$140 weekly, a sixty dollar a week increase, I was on my way.

Then, "You've got to join the Union". A week's pay and dues deduction brought me into the Teamsters, my first personal involvement with organized labor.

I was a non-participating member who paid dues and complained about everything. I figured "I paid my dues, let the other person do the work". I had a family, hobbies, and more important things to do.

Then we were confronted by management not negotiating, and a call for a strike vote. I voted in the minority, and out we went. Walking a picket line, wondering why and trying to understand how this was going to work, but hoping that our employer would quickly move to meet our demands and we would be back to work.

All of a sudden, I was side by side with others in an explosive strike! Trucks and truck drivers being hit with rocks and clubs, cars crossing the line, being kicked and hit, picketers being hit by cars and trucks and enough salty language to warm the heart of the crustiest sailor. A colorful picture that ended with nearly as many police officers walking the line as picketers.

This forced me to evaluate why we were there, was our position just, were we being unreasonable in our contract demands, who was at fault? Were we the enemy or the victim of management trying to ride roughshod over us!

My conclusion was then and is today very nearly the same. "If only management stopped looking at us as 'the enemy' and realized we should be equals in getting the job done, then and only then will work action of any form be ruled out as a necessity."

I also decided that as soon as the strike was over I was going to apply for a position with the Police Department. That and I was told AFSCME was a better union, it wouldn't allow so-called union supporters to drop trailers two miles away so non-union members could pick them up and take them across a picket line. Economically and I thought organizationally it made sense.

This time I would be active in my union and know what was going on. Well, three more years of chasing those Pots of Gold and no closer to them. Working forty or more hours a week in uniform plus two part-time jobs and falling behind.

Where do you go next? You've found that working with and for people is important. Now you have to satisfy inner self as well as support a family.

In January 1973 I went to work for the Maine Correctional Center. From \$175 a week to \$114.40 as a Correctional Officer I. Forty hours to forty-four hours a week.

Another beginning and another opportunity to join a union. A choice, AFSCME or MSEA? Local or national? No Collective bargaining, so who's the best? Which one will be best for me?

MSEA. Excellent income protection, local chapter meetings, dues stay in Maine, some political strength and it represents the majority.

AFSCME, one employee at MCC a member, higher dues, little if any political clout, dues goes to support a National with limited return and most important, I had belonged to AFSCME out of state.

As a Police Officer I was never impressed by what they did for us. Some support during bargaining and never see a representative again. Sure this sounds negative but it is why I decided to join MSEA instead of AFSCME.

After having served on negotiating teams and served as a steward while a police officer here I was back in Maine, a non-participating union member. Paying dues and letting others do the work.

Then events occurred which forced me to re-evaluate my level of participation within MSEA.

I was promoted to the position of Maintenance Mechanic during the time of the infamous management Hay Study. For information I was forced to call on MSEA. I was told that even though the State had arbitrarily enforced on us a new pay plan, that I felt was totally unfair, we could appeal our new classification before the Temporary Classification Review Board.

The TCRB — Lord, I hope we never have to go

through that again! I was told that MSEA would represent us before the Board. This was my first trip to Augusta to fight for what I felt was right. Al Esty and I made that trip, as did many of you in other positions. We were upgraded one range. Unfortunately many others were not as successful. For Al and I the fight was worth it; except for one thing, a feeling that MSEA was doing a poor job of meeting my needs.

Success should have been enough but frustration with the heavy-handedness of the state, a perception of union disinterest, and a desire to make both more accountable forced me to become vocal and active. It placed me on a course that has led me to the office of President of MSEA.

After criticizing Dave Carnavale then Executive Director and John Oliver at the Correctional Center, and then attacking Dick McDonough, MSEA President, at a chapter meeting, I was told to get involved with others in changing MSEA into something that would meet the needs of members.

Through members like Dick McDonough, Paul Magnusson, Dick Trahey, Bob Ruhlin and many others, I found that participation works. Through involvement, MSEA is now the most democratic union I've ever seen. MSEA is now respected not only in State but throughout the United States. As members, we can take pride in what we've accomplished.

Since 1976, I've served on the negotiating team for every contract. From an OMS member to Vice-President and President. I served as your chair on the first statewide Labor/Management Committee. I've served on or chaired a boycott committee, Affiliation, Building, Grievance, and Departmental Labor/Management Committees.

I've served two terms on the Board of Directors from Area III, and two years as Vice-President. I found prior to this that non-participation brings nothing but frustration and a feeling of being left on the outside with no protection.

I also found that working in MSEA provides for change and a feeling of accomplishment. Participating with others to build something that works well.

I found that working collectively we can and will continue to evolve. We can and will continue to win battles to protect ourselves and future employees. As we have fought battles in the past, we must continue to fight through active participation for the sake of our futures.

New and yet somewhat the same battle lines are being drawn again. Those battle lines are being drawn by the State of Maine. Whether the battle is legislative, contract bargaining, contract administration, or management pay studies, members need to work side by side with each other and staff to protect our rights.

The year 1984 is more important than others. Already carry-over issues from 1983 press us and put our feet to the fire.

The Governor is now saying, you'll take this and no more, not what you deserve. Another organization takes less even than the fact-finders proposed and our members seeing it, understand and know they must fight.

We've already seen courageous senators stand up to the Governor when he vetoed our Political Rights Bill. In their attempt to override a veto they stood up for what is right. Can we do less?

Those same legislators will need to hear our voice on other serious issues facing them this session. The Reclassification Bill, Funding for Fish and Game, protection of jobs, state liquor stores and other issues. Call then and discuss the issues; they want to hear from you.

Another organization members have asked us to be their representative and we are in a fight to win the Institutional Services Unit. AFSCME Council 74 has brought in "high powered" out-of-staters to help them, but it won't work this time. You can help by talking to your co-workers in the institutions on the MSEA difference and how real democracy works.

The lines of battle are drawn and as always members of MSEA step forward to get the job done. Collectively we will prevail. Collectively we can make a difference.

Union participation works for all of us. I'm glad that I finally participated and ask each of you to join me.

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In An Election Year, No Full Political Rights

It was "politics as usual" in the well of the State Senate on Tuesday, January 10th, and as usual, Maine's political process is the worse for it. Senate President Gerry Conley came down from the podium to the Senate floor asking fellow senators to uphold the Governor's veto of MSEA's bill to provide full political rights for Maine State employees.

No matter that Conley himself had supported the bill, and has for years, as has the Democratic Party in its platform; no matter that the bill had a 12 to 1 recommendation from last year's State Government Committee and had easily passed in the Legislature; no matter that the Maine Attorney General's Office had closely scrutinized the bill, which had been amended accordingly — in fact, nothing mattered except politics.

"Honor the Chief Executive," Conley said of Brennan's veto, and the Senate grudgingly complied in a close vote which fell three short of the 2/3 needed to override the veto. Thus the bill — which would have given Maine's classified state employees the right to run in partisan elections and solicit funds for political candidates, a right other Maine citizens have — was downed for another year.

"It's one more ingredient that sends a signal to state employees of what the Governor thinks of them," said MSEA Executive Director John Oliver of the veto. Oliver stressed that the political rights bill will be back next year, and in the meantime, Maine state workers would have to "redouble" their voluntary efforts in Maine's political process in 1984.

Leadership Doesn't Always Come From the Top

While several Democratic Senators — all of whom voted for the political rights bill — bowed to the Governor's veto, most did not. Senator Nancy Clark (D-Freeport), sponsor of the bill, rose to support it, as she has consistently.



Senator Nancy Clark talks with MSEA's Phil Merrill and Senator Jim McBreairty (R-Caribou), who along with Senator Mel Shute (R-Stockton Springs, also voted to override the Governor's veto.



Brennan Appointees



Classified State Employees

"My vote today represents public employees, of which I am one, and working people, of which I am one. I vote in honor of working people who should be welcomed to the political process," Clark said.

And Senate Majority Leader Charles Pray (D-Millinocket), stood his ground under pressure.

"As a Senator from Penobscot, I believe there is a right of everybody in this state to participate in the political process. We have a responsibility to grant that right..." Pray voted to override the veto. But not enough did. So, the Governor "won" this round, and classified Maine State workers have again been denied fundamental political rights as Maine citizens.



Senate Majority Leader Charles Pray voted in favor of State employee rights.

SENATE ROLL CALL

Question: Should "An Act Pertaining to the Political Rights of State Employees," become law notwithstanding the veto of the Governor?

Vote Required for passage: 2/3 of those Senators present and voting

Senator	Yes	No	Absent
John E. Baldacci	X		
Larry M. Brown	X		
Beverly M. Bustin	X		
Michael E. Carpenter	X		
*Richard R. Charette		X	
Nancy R. Clark	X		
Samuel W. Collins, Jr.		X	
*Peter W. Danton		X	
G. William Diamond	X		
Charles G. Dow	X		
Dennis L. Dutremble	X		
Jerome A. Emerson			X
*Edgar E. Erwin		X	
Barbara A. Gill		X	
Kenneth P. Hayes	X		
Walter W. Hichens			X
Judy C. Kany	X		
James A. McBreairty	X		
*Carroll E. Minkowsky		X	
*Mary Najarian		X	
Michael D. Pearson	X		
Thomas R. Perkins		X	
Charles P. Pray	X		
Andrew J. Redmond		X	
Charlotte Z. Sewall		X	
Melvin A. Shute	X		
Thomas M. Teague		X	
Richard L. Trafton	X		
R. Donald Twitchell	X		
Ronald E. Usher	X		
Paul E. Violette			X
*Frank P. Wood		X	
*Gerard P. Conley (Pres.)		X	
TOTAL	17	13	3

*Senators who voted for the bill and then switched positions and voted with the Governor on the veto.

Legislative Update: Tough Fights Ahead

A brief review of MSEA's legislative agenda in 1984 highlights a continuing struggle between Maine state employee rights and Brennan Administration initiatives to circumscribe those rights.

MSEA's bill to extend close to full political rights for Maine state employees has already been vetoed by the Governor, despite broad legislative support (see veto article).

Our top priority for 1984 is the MSEA Pay Rates Bill ("Reclass" bill), which would again allow state employees to bargain over matters of reclassification and range changes. Opposed by the Governor's Office last year and held over from the First Session of the 111th Legislature, the bill is sure to be opposed by the Governor's Office again this year. MSEA members' con-

tact with legislators in support of this legislation is vital to its passage. The prospect of a second Gubernatorial veto makes bipartisan legislative support crucial.

A financial crisis in the Department of Fisheries & Wildlife has led to the threat of funding cuts and potential layoffs as a way of responding to the \$2 million shortfall (\$1 million of that shortfall is in Personnel costs). MSEA is now working with the Fisheries & Wildlife Department and the Legislature to avoid such a prospect.

"It will take some time for support to coalesce around one idea," said MSEA Assistant Executive Director Phil Merrill of ongoing efforts to resolve the

crisis. "In the meantime, it's important for all affected interests to pull together."

The Governor is attempting to link the Department's crisis to elimination of the 20-year retirement program for game wardens, a proposal defeated in the last session. The link simply makes the problem more difficult.

Although few details are presently clear, the Governor also has revived his traditional effort to go after state Liquor Stores; at present, he has proposed closing a number of Liquor Stores. MSEA will provide information to employees concerned as it becomes available.

Comparable Worth Consultant Study To Begin Feb. 15

After a year and a half of training, research and preparation, the MSEA-State Labor/Management Committee, which is analyzing our pay system for possible sex discrimination, has chosen as its consultant, William Mercer, Inc. of New York. The Committee reviewed proposals submitted by a number of firms and finally decided that Mercer was particularly suited to conduct this study — in light of their extensive experience in job analysis, affirmative action, and comparable worth. The study will formally begin on February 15. It will take approximately a year to complete. The final report and recommendations will be submitted to MSEA and State bargaining teams to be dealt with through negotiations.

The study will focus on the following three questions:

1.) Does discrimination exist with regard to rates of pay for jobs predominantly and traditionally staffed by women when compared to jobs of comparable skill, effort, efficiency, and working conditions which are predominantly and traditionally staffed by men?

2.) If inequitable pay practices do in fact exist, is the cause found in the Compensation (Hay) System itself or in the way it is administered — or both?

3.) To what extent do inequitable practices exist and what are the recommendations to remedy the problem?

Consistent with the fact that this study will be conducted from start to finish under the **equal direction of both Labor and Management**, the analysis of each job to be studied will be performed by a team or teams constructed and staffed as equally as possible by MSEA members and management personnel, both female and male.

Shortly, the Committee will be interviewing and selecting team members from among state employee **volunteers**. Those selected will receive training in job analysis and the necessary administrative leave from their regular jobs for the project's duration. Those who wish to participate should notify either Stephen Leech or Ann Gosline at MSEA Headquarters.

Members currently serving on the Labor/Management Committee are:

MSEA

Mary Bradford
Ann Gosline
Bruce Hodsdon
Mary Kimball
Stephen Leech
Linda Whitcomb

STATE

Shirley Burdzell
Susan Farnsworth
Jane Gilbert
Nancy Kenniston
Laurie Shippee
Annie Tara
Don Wills

A Friend in need . .

Josh Twombly, the son of MSEA members Ann Twombly and Tom Wellman, will have to undergo kidney transplant surgery soon, a difficult operation requiring much blood transfusion.

As anyone who has donated blood knows, the supply on hand is limited and must be steadily renewed. MSEA organized an early January blood drive to help replace the high amount needed for Twombly's surgery.

Response in the MSEA membership was immediate. Many people who had never donated before turned out in response to this request. By January 19th, 124 pints of blood had been donated in the Augusta area, 51 pints in Lewiston alone, and many more donations are expected around the State.

Deep thanks are extended to those who participated in this highly worthwhile cause. When it counted, you were there!

Personnel Conducts Another Study of State Jobs— — Outside Bargaining

The Department of Personnel is again conducting another study of the existing job classification and compensation system in Maine State Government — another attempt to document how deeply flawed the system really is.

This new study, to be conducted by Personnel, was recommended by an earlier study done by Arthur Young, Inc. That earlier study concluded that the present system is impossible to administer reliably and has created inconsistent, unfair pay practices.

The earlier study also found that Maine State employees were paid **9% less on average** than counterparts in similar private and public jurisdictions in Maine.

The objectives of the new study — which again has employees filling out questionnaires distributed by departments and agencies — is twofold:

- Major realignment of job classifications to pay ranges;
- Extensive redesign of job duties to fit newly-created job descriptions.

The potential **trouble** the new study represents should not be under-estimated. The first objective, especially considering Personnel's one-sided perspective, would **not** favor state employees' pay. The second objective would have a marked negative effect

on employees' ability to seek reclassification or reallocation where it is now called for.

In keeping with the Administration's position that pay rates are non-negotiable, Personnel advised MSEA that recommendations of the most recent study are also "non-negotiable."

That means this is a management study designed to serve the interests of **management**, not the legitimate interests of state workers.

Unfortunately, the Administration insists that these matters be handled unilaterally, with no union input — even though MSEA has been pointing for years to the same flaws in the system recently confirmed by the last study.

The only forum guaranteeing that MSEA members will be heard is **at the bargaining table** — where the failures of the compensation system should be dealt with and corrected.

MSEA is continuing the fight to bargain over these issues through our Pay Rate bill now before the 111th Legislature. The bill allows Maine State employees to negotiate over individual rates of pay, as the Legislature intended in the first place. Passage is crucial. The extent to which legislators hear from state workers in support of this basic right may well determine its success or failure this year.



OMS Labor/Management Committee (l. to r.) For MSEA: Gary Ronco, Wanda Ingham, Ervin Huntington. For Management: Paul Bright, Robert Larsen, Paul Bond.

OMS Labor/Management Committee Recommends Job Training

The MSEA-State Labor/Management Committee set up for state workers in the Operations, Maintenance and Support bargaining unit has agreed on job training recommendations for OMS members.

The recommendations, approved in November, must now go to the Department of Personnel to be acted upon.

The Committee has recommended that:

- (1) Each State Government department appoint a Training/Safety Officer;
- (2) The Officer form and put a training plan into practice each year, and report on training completed to MSEA and the State;
- (3) A quarterly newsletter be issued by Personnel identifying training opportunities in each department, division, or agency. The newsletter would be posted on all department bulletin boards;
- (4) Job training should be considered for at least the following areas:

- refresher courses in present job skills
- courses in boiler maintenance

- courses in electronics relating to duties of personnel in OMS
- courses in plumbing, security safety, and lawn mowing
- safety course on proper lifting techniques
- fire safety program for individuals
- health and safety program
- fire and safety program (general)
- courses to help update mechanics on new equipment
- diesel trouble shooting course
- driver training on all equipment as appropriate
- mechanical training as appropriate
- courses in driving equipment in higher classes as needed
- training in high risk occupations, i.e., prison workers, bridge repair, etc.
- individual first-aid training
- special hazard recognition

MSEA is determined to see effective training for OMS members get underway, and will be following implementation of these recommendations closely.

New MSEA Positions

MSEA's 1984 budget, passed at the recent Rockport Convention, established a new, full-time staff position to process MSEA member reclassification/reallocation appeals through arbitration, and to help with collective bargaining and contract research.

Carol Webb, longtime active MSEA member and leader and presently MSEA Field Representative, will fill the new position. Carol's experience with MSEA contracts and Maine Personnel practices, and her work with members in the field, makes her a highly qualified candidate for the job.

The position of MSEA Field Representative she is leaving will be filled by present MSEA support staff member **Sandy Dionne**. Formerly an employee of the State of Maine, Sandy has worked for MSEA since 1980. She has handled a wide variety of membership responsibilities; her knowledge of MSEA's structure and functions, and of MSEA contracts, and her familiarity with many MSEA members are an important part of a smooth transition in the field service job.

An Aroostook native, Sandy will be Field Representative to the following chapters: Southern Aroostook, Central Aroostook, St. John Valley, Aroostook Supervisors, Penobscot and Northern Penobscot, Locals 1, 2, and 4, and Queen City.

No. Penobscot Chapter Candidates Night Set

MSEA members of Northern Penobscot Chapter will be holding a "Candidates Night" meeting on March 9th at the American Legion Hall in Millinocket. The 7:00 p.m. meeting includes supper (\$2 per person). It's an election year and members are encouraged to meet legislative candidates early!

Cumberland Chapter Annual Dinner

MSEA's Cumberland Chapter has scheduled its annual dinner at Verrillo's in Westbrook on February 18th at 6:00 p.m. Guests are welcomed; there will be a charge. Contact: Ed St. Michel or Shirley Rosen at Portland Human Services, or Janet St. Michel at Southern Maine Vocational Technical Institute if you would like to attend.

DOT Labor/Management Review

The MSEA-State Labor/Management Committee gathered late in 1983 for DOT Commissioner George N. Campbell's final appearance. Campbell has taken a job in the private sector, and Governor Brennan has recently nominated Dana F. Connors of Presque Isle as his replacement.

The Committee looked over recent achievements and discussed remaining problems. DOT health and safety monitoring has started to pay off, according to Campbell. There has been a "dramatic reduction in workdays lost" because of safety problems, but some divisions have done much better than others.

"I have a healthy respect for the State labor force," Campbell said, "short-term problems with bargaining shouldn't interfere with long-term efforts, what people can do."

The Labor/Management Committee will continue to work on DOT issues in 1984.

Some of those on the Committee: on the left, management: George Campbell, Alden Small, Nancy Keniston. On the right, MSEA's Harold West of Milbridge and Al Bickford of Kennebunkport.

Child Care Services For State Workers

MSEA and the State have established a Child Care Labor Management Committee to develop a proposed system to provide child care services for state workers. In order to develop the system the committee will have to decide which types of services are most needed and most feasible for state employees in many different geographic locations. The committee's first step will be to ask state employees to provide information and suggestions which will help the committee develop its proposals.

State employees will be receiving child care questionnaires during the first two weeks of February. If you do not receive a child care questionnaire by the end of the second week in February, please contact your affirmative action officer or your steward.

The MSEA/State Labor Management Committee will also be holding meetings to gather more information from employees. Administrative leave will be pro-

vided for employees seeking to attend these meetings, providing the offices are adequately covered. The meeting schedule is as follows:

Augusta:	Monday, February 13, 9:30 a.m., Room 109, State Office Building
Lewiston:	Monday, February 13, 2:00 p.m., Multi-Purpose Center, Birch Street
Bangor:	Tuesday, February 14, 2:00 p.m., DOT Building, Hogan Road
Presque Isle:	To be announced
Portland:	Thursday, February 16, 1:00 p.m., Portland Public Safety Building

Please come!

If any state employees are interested in helping the Child Care Labor Management Committee with this important job of developing a child care system proposal, please contact Ann Gosline at MSEA Headquarters.



40 Years of Police Calls

MSEA member Carl Young of Houlton, now a Police Communications Supervisor for the Maine State Police, was recently recognized for completing 40 years of service. Young went to work as a radio operator for the State Police at age 18, when troopers contacted by one-way radio had to find a telephone to call in for the message. Lt. William Robinson, Maine State Police Troop F commander, and MSEA member Sophie Welch look on.

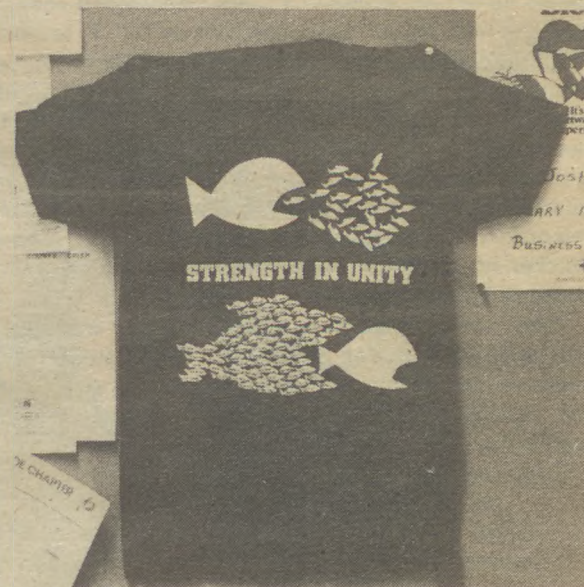


Strength in Unity

MSEA has dark blue T-shirts available, \$5 each. Money raised will go to P.A.G.E., MSEA's Political Action Committee.

If you would like to order one, call MSEA Headquarters, 1-800-452-8794.

Just because someone thinks they're a big fish in a small pond, doesn't mean they're right!



ARBITRATION

\$14,000 in Pay Plus Interest

"Transfer Typist" Is Reinstated

After nearly a year of unemployment, a Clerk Typist II who was discharged after failing to complete a transfer probationary period will return to State government employment.

"The State did not have just cause when it discharged Gertrude Hewitt," ruled the arbitrator in the second of two decisions rendered in this case. In November, the arbitrator had found that, regardless of the grievant's probationary status, the State would have to establish just cause in order to justify her termination. (See December '83 MAINE STATER).

Though the Office of Energy Resources showed that Mrs. Hewitt did not satisfactorily learn new word processing and data entry tasks, the State had "a duty to explore alternatives to termination."

"It should be stressed that OER hired Hewitt specifically because of her excellent typing skills which she perfected as an experienced Clerk Typist II in State service. When OER hired Hewitt it did so on the basis of her outstanding results on the typing test."

Indeed, OER had rejected an entire list of promotional candidates because none could type well enough for OER's needs. Typing remained an important aspect of the job and Hewitt's typing at no time deteriorated from "the high level which caused her to be hired in the first place."

"This is a case in which a highly-skilled typist maintained her exceptional level of performance on the typewriter but was unable to master new skills applicable to new technology. Hewitt has served the State for 14 years and possesses demonstrated skills which are of value to the State."

Accordingly, the arbitrator ordered the State to immediately make Gertrude Hewitt whole for her loss in pay, plus interest at the rate of 10% per year, less interim earnings. The State must also assign Mrs. Hewitt to a Clerk Typist II position agreeable to MSEA, or to another position in State service agreeable to MSEA, or reinstate her to the Office of Energy Resources.

Mrs. Hewitt's gross back pay entitlement, including interest, is nearly \$14,000.

Highway Worker Wins Damages

An arbitrator has awarded damages to an Ashland Highway Worker because the Department of Transportation improperly denied him a promotional interview.

Ken Stevens was a Highway Worker III (Alternate IV) who applied for a vacant position as Crew Leader-Grader Operator at the Ashland Maintenance Lot. D.O.T. refused to interview him for the job solely because he did not possess a Class I operator's license. Stevens had already been certified by D.O.T. to operate a grader, and did not need a Class I license under State law to operate any equipment other than a tractor-trailer. However, since the Highway Worker IV job description — as recently revised by D.O.T. — required a Class I license, Stevens was disqualified from competing for the position. Mr. Stevens had operated the grader for several months as an Alternate Highway Worker IV; he had 25 years service with the Department of Transportation.

When the job was given to an employee with much less seniority than Ken Stevens, MSEA pursued a grievance in his behalf, arguing that Stevens possessed the "ability and qualifications" to perform the job within the meaning of the contract.

The arbitrator agreed:

"The reasonableness of job specifications must be considered with particular care where, as here, the contractual policy favoring seniority and promotion from within the

filling of vacancies is involved."

The arbitrator also noted that in-house certification on the grader, which Stevens already possessed, was more "rigorous" than Class I licensure, because without it an employee is not permitted to operate the grader, regardless of whether he has a Class I license. Therefore, the arbitrator said, it didn't make sense to interview an employee (the one who got the job) not yet certified to handle the equipment he would be assigned to or refuse to consider an employee (the grievant) who has already obtained that certification, but had not taken the less rigorous test for a Class I license.

"Since the Department does not expect, in any event, that new Highway Worker IV's come into the job fully certified to handle each and every piece of equipment to which they may theoretically be assigned, there is no reasonable basis for making possession of a Class I license a prerequisite for mere consideration."

Given his "prior experience and his seniority," the arbitrator decided that Stevens should have been selected for the grader position. As damages for being improperly denied a promotional interview, the grievant was awarded the difference between his current salary and what he would have been paid, if promoted, until the anticipated expiration of his probationary period six months later.

1983: MSEA Success In Grievance Arbitration

Three out of four grievances involving disciplinary matters were won by MSEA in arbitration in 1983. 50% of all arbitrations rising out of contract interpretation disputes were also resolved in MSEA members' favor last year. In contrast, the *Arbitration Journal* reported in March, 1983 that nationally, unions won only 25% of grievances in which an arbitrator's award was obtained.

"We're still talking about a total of only 20 MSEA cases decided by arbitrators in 1983," said MSEA Attorney Shawn Keenan. "That doesn't count the dozens of grievances resolved in favor of earlier levels of the grievance procedure."

MSEA Stewards and Field Representatives win many more grievances during the course of the year; only those which still remain unsettled are scheduled for arbitration.

"Those tend to be the tougher situations where the State is more determined to hold out, and sometimes our case isn't all that strong," according to Keenan. "But we try to do **something** for everybody — even in a weak case there is often room for favorable compromise. We think employees should always expect to do better with union representation than without it." And that is just what the record shows.

From The Grievance File.....

Seasonal Worker Wins Pay For Time Lost

A seasonal employee working as a Laborer at the Department of Conservation's State Forest Nursery in Greenbush found herself laid off several times last summer, supposedly due to "lack of funds."

But she also discovered that several "intermittent" employees has been doing work normally done by seasonal workers during that time.

She filed a grievance under the "Seniority" and "Responsibilities of the Parties" clauses of the MSEA contract, arguing that the Department wrongly put her on layoff while hiring intermittent employees. At step 2 of the grievance procedure, Conservation Commissioner Richard Anderson agreed that she should have been offered the work given to the intermittent employees. She was paid nearly \$2,000 for time lost.

The Department also agreed with MSEA's position that Nursery employees receive training to provide them "an opportunity to be assigned to other duties that might extend their seasons."

Acting Capacity

A Department of Labor Claims Interviewer in Skowhegan served in "acting capacity" as office manager for a week at the manager's request while the manager was on vacation. When she sought pay for the acting capacity work at a higher level, she was denied by the department, which claimed it had never authorized her acting capacity status.

A grievance filed by MSEA Field Rep. Ronald Ahlquist in her behalf under Article XXXIV of the MSEA Contract (Acting Capacity) led the Department to "reconsider its position."

She was compensated for the time worked at the higher level.

Performance Appraisal Corrected

A Health Services Supervisor in Portland felt that the evaluation score she received on a 1983 performance appraisal contained "unwarranted" remarks and was not a fair review of her work performance. With the help of MSEA Director of Field Services, Roger Parlin, she filed a grievance against the Department of Human Services asking for a "fair and impartial" evaluation and removal of previous material from her personnel file.

Major changes in her job responsibilities over the year, she argued, were not considered in evaluating her performance since her previous appraisal.

At step 2a(ii) of the grievance procedure, the Department's Labor Relations Officer agreed. A revised performance appraisal reflecting changes in both the remarks made and the score she received resolved the grievance.

LETTERS To The Editor



The **Maine Stater** welcomes letters from MSEA members on issues of general concern to the membership!

Reclass/Reallocation Arbitration Panel To Start March 1

Arbitration hearings for reclassification and reallocation appeals will resume in March — but instead of a single arbitrator handling the substantial caseload, as has been the case over the last two years, a rotating panel of four arbitrators has been set up by MSEA and the State. The four members are James Healy, Phil Dunn, Jim Litton, and Tim Bornstein. Bornstein resigned in November, 1983 as sole arbitrator because of the all-consuming caseload, but indicated his willingness to serve as a member of a panel.

Because all four arbitrators are highly respected in their field and heavily utilized, scheduling commitments made it impossible to begin prior to March. However, beginning March 1st the arbitrators will be hearing appeals for at least two days every other week.

An orientation session has been scheduled on Saturday, February 11th to familiarize the arbitrators with Maine Compensation System. MSEA has created a full-time position of Classification/Compensation Analyst, staffed by Carol Webb, to handle this process on a full-time basis.

It is hoped that between the new panel and this new position, the backlog of appeals may be processed and decisions rendered more expeditiously.

All those employees' cases not yet heard, and those which have been heard but have not yet received decisions, will be notified in the near future by Carol Webb as to scheduling dates and status of case.

Labor Board Denies Teamster Request To Split Institutional Services Unit

On January 10, 1984, the Maine Labor Relations Board denied a Teamster petition to cut a bargaining unit of Corrections employees out of the existing Institutional Services Bargaining Unit.

The decision, based on the Board's determination that "corrections employees share a clear and identifiable community of interest with members of the existing unit" and that a split would "create excessive fragmentation among State Government bargaining units" has two important meanings.

First, it upholds the present structure of Maine State Government bargaining units (there are seven) based on job classifications;

Second, by denying the Teamsters' unit determination request, it sets the stage for a union election in the Institutional Services Unit to represent all of the approximately 1,350 employees.

The decision does not mean, however, that all job classifications currently placed in the Institutional Services bargaining unit can never be moved to another unit. The Labor Board decision stated that "job duties, employment practices, and organizational

structures change, and it must be expected that present units will likewise change."

The Teamsters have announced they will appeal the decision to the full Board. Hearing of the appeal will be the last hurdle before scheduling of an election in the unit.

Institutional Services workers from all job classes in Corrections, Mental Health and Education wanting a permanent change in representation filed cards last spring for MSEA representation. The Teamsters, hoping to break out the Corrections employees, then filed to "intervene" in the election process. AFSCME Council 74 appeals and Teamster intervention have delayed a new representation election for many months. Very soon nothing will stand in the way of a new union election in the unit.

MSEA welcomes all Institutional Services workers as future MSEA members, and will fight to see that all are represented equally with 10,000 employees already in MSEA. Strong, effective representation will never come from further dividing an already-divided Maine state workforce — an election vote for MSEA will be a vote for solidarity.

Biologists Win Significant Upgrade

MSEA recently won a two-range upgrade for four biologist classifications in the Department of Inland Fisheries and Wildlife through the arbitration process. Requests for the upgrades for these classifications were initiated by the Inland Fisheries and Wildlife Department, but were denied by the Department of Personnel. MSEA and employees in these classes presented extensive testimony of the vastly increased responsibilities they have been assigned since the classes were evaluated by the Temporary Compensation Review Board in 1976. The Arbitrator agreed that the facts showed that their jobs have become significantly more complex since 1976, and ordered that the classifications be upgraded.

From Technician To Forester

A Forest Technician in the Bureau of Forestry who requested reclassification to the higher position of Forester I in January, 1980 has been awarded that reclass, with full back pay to the date of his request.

Originally denied by Personnel, which claimed "the incumbent has grown into the job, but the job has not changed," the employee appealed before the permanent reclass arbitrator agreed to by MSEA and the State.

The arbitrator accepted MSEA's argument that the

technician's work fit more properly into the Forester job description. Both jobs involved "technical advice in the field of forest management, writing reports and correspondence," and checking timber on public and private land. But the arbitrator ruled that the technician actually prepared the plans which as technician he was to carry out, approved federal grants to local authorities, and "was responsible for operating with considerable independence". The appeal was sustained.

RETIREEES NEWS

Steering Committee Plans For 1985

For those who receive pensions from the Maine State Retirement System, the last half-dozen years have required a yearly lobbying effort in the Legislature seeking cost-of-living increases in an effort to maintain the value of those pensions. In some of those years, lobbying has been more successful than others. Because of inflation, retirees have lost a considerable amount in the buying power of their pensions.

Hundreds of retired state employees and teachers have attended legislative hearings, many have testified, and MSEA has steadily "worked the 3rd floor" to try to get fair cost-of-living increases out of general revenues subject to ever-increasing competing demands.

Last year, MSEA's Retirees Steering Committee submitted a cost-of-living increase bill which would have established a tie between average yearly wage increases achieved by active state workers and teachers and retiree pension increases. Though the bill did not get out of the Aging, Retirement and Veterans Committee for a number of reasons, a permanent cost-of-living formula which is fairer than the current 4% cap is an idea whose time has come.

This year, the Retirees' Steering Committee invited

representatives of other Maine retiree organizations and Senator Chuck Dow, Chair of the Aging, Retirement and Veterans Committee, to our December meeting to consider a better approach than the yearly lobbying exercise.

Senator Dow briefly addressed the meeting, making the point that "a consensus is needed between all retiree groups" for future legislation. "There is a much greater chance of getting something passed if there is a united front," Dow told the group.

The Steering Committee agreed. Committee Chair

Phil Goggins has proposed working together with representatives of other Maine State Retirement System retiree groups over the course of 1984 to develop cost-of-living legislation that will have strong support from all retiree groups.

MSEA is firmly committed to establishing a permanent pension cost-of-living increase formula which best maintains the value of retiree pensions, and which allows the Legislature to plan ahead for costs. If a consensus can be reached for a 1985 proposal, so much the better.



New Steering Committee Members: Connie Sapiro of Portland (l.), and Polly Cathcart of Augusta join the 1984 Committee.

1984 MSEA Scholarships

The 1984 MSEA Scholarship Committee, Chaired by Dail Sawyer of Bangor, is accepting applications for **nine** annual scholarships and **three** scholarships for part-time educational programs.

Applications must be received by April 6, 1984.

Applications for the nine annual scholarships will be considered **only** from sons and daughters of MSEA members who are entering post-high school educational or vocational programs for the first time **or** MSEA members who are in or have been accepted into a degree program.

The nine scholarships will be apportioned so that three will be awarded for each MSEA area. The Dr. Howard L. Bowen for \$1,000, the Murray L. Brown for \$500 and the George A. Davala for \$500, each payable one-half during the first semester or partial year, and one-half during the second semester of the recipient's first year in post secondary school.

Provided there are applicants, one \$500 scholarship in each area will be awarded to a student attending a Vocational-Technical Institute.

All awards will be made payable to the treasurer or bursar of the school in which the recipient becomes enrolled.

The members of the Scholarship Committee from each area will screen applications from other areas. At least **three** but not more than **six** applications from

each area will be presented to the full Scholarship Committee for their consideration.

Basis for awarding these scholarships will be:

1. Character
2. Leadership Qualities
3. Service to Others
4. Need
5. Scholastic Ability and Initiative

Each item will receive a numerical rating; the total of these ratings determines the success of the application.

Personal interviews may be required by the Committee if needed.

THREE PART-TIME EDUCATION SCHOLARSHIPS

MSEA is also offering scholarships to MSEA members enrolled in part-time educational programs. Three scholarships, one for each geographical area, in the amount of \$250 each will be awarded. The selection process will be handled in the same manner and at the same time as the scholarships offered to sons and daughters of MSEA members who are in degree programs.

PENOBSCOT CHAPTER SCHOLARSHIPS

MSEA's Penobscot Chapter is offering one \$700 scholarship for which **MSEA members of Penobscot Chapter and their dependents** who are entering or enrolled in post-high school educational or vocational

programs, or who are in or have been accepted into a degree program, are eligible.

Application may be made using the same form for the statewide scholarships (see below). Applications filled out by Penobscot Chapter members for the other MSEA scholarships may also be used toward the Penobscot Chapter Scholarships, which will automatically be sent to the Penobscot Chapter Scholarship Committee.

REQUIREMENTS FOR ALL SCHOLARSHIPS

(1) A transcript of your high school record; (2) a statement or personal letter indicating reasons for making application; (3) an itemized statement of your and, if you are a dependent, your parents' or guardians' financial resources and outstanding obligations, AND Page 1 of their 1983 Federal Income Tax statement (all to be held in strict confidence); (4) a description of your extracurricular activities; and (5) references as noted on your application. Items 4 and 5 should contain information on character, leadership, and service to others and any other information which indicates why this applicant should be considered.

Applications must be mailed to Maine State Employees Association, 65 State Street, Augusta, Maine 04330, so that they will be received by April 16, 1984. Additional applications are available from MSEA Headquarters.

APPLICATION FOR THE DR. HOWARD L. BOWEN, THE MURRAY BROWN, AND THE GEORGE A. DAVALA MSEA SCHOLARSHIPS

**THIS APPLICATION FORM MAY ALSO BE USED FOR THE THREE PART-TIME EDUCATIONAL PROGRAM
SCHOLARSHIPS AND THE PENOBSCOT CHAPTER SCHOLARSHIPS**

FULL NAME _____ DATE OF BIRTH _____

MAILING ADDRESS _____

LEGAL ADDRESS (if different from above) _____

*FATHER'S/GUARDIAN'S NAME _____

ADDRESS _____

OCCUPATION _____

YEARLY INCOME FROM ALL SOURCES _____

NAMES, AGES AND RELATIONSHIP OF DEPENDENTS _____

*MOTHER'S/GUARDIAN'S NAME _____

ADDRESS _____

OCCUPATION _____

YEARLY INCOME FROM ALL SOURCES _____

NAMES, AGES AND RELATIONSHIP OF DEPENDENTS (if different from Father's) _____

*If not a dependent, use above spaces for own and spouse's information.

INCOME FROM ALL SOURCES (if additional to parents) _____

TO WHICH MSEA CHAPTER DO YOU OR YOUR PARENT(S) BELONG _____

HAVE YOU BEEN ACCEPTED FOR POST-HIGH SCHOOL EDUCATION _____

DATE OF ACCEPTANCE _____ NAME OF SCHOOL _____

ADDRESS OF SCHOOL _____

WHAT COURSE DO YOU PLAN TO TAKE _____

LENGTH OF THIS COURSE (years, months, etc.) _____

NAME OF HIGH SCHOOL FROM WHICH YOU ARE TO BE OR HAVE GRADUATED OR POST SECONDARY SCHOOL LAST ATTENDED _____

NAME OF GUIDANCE DIRECTOR OR ADVISOR AND ADDRESS _____

REQUIRED REFERENCES: One scholastic and one non-scholastic (a non-relative). **NO APPLICATION WILL BE CONSIDERED UNLESS ALL REQUIREMENTS ARE MET.** (Note additional requirements) **PLEASE NOTE:** It will be necessary for you to ask each of your references to send his/her letter of recommendation to the Chairperson of the MSEA Scholarship Committee. Application and accompanying data should also be mailed to the Chairperson of the MSEA Scholarship Committee, 65 State Street, Augusta, Maine 04330.